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In re Application of
Gilles
Application No. 10/578,256
PCT No.: PCT/IB2005/050799
Int. Filing Date: 03 March 2005
Priority Date: 03 March 2004
Att. Docket No.: GILLES2
For: Sanding Element

DECISION

This is in response to the correspondence filed on 15 October 2008.

BACKGROUND

International application PCT/IB2005/050799 was filed on 03 March 2005, claimed an earlier priority date of 03 March 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 22 September 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 03 September 2006. On 04 May 2006, applicants paid the basic national fee.

On 15 August 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 24 December 2008, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "05/04/2006" were mailed to applicant.

DISCUSSION

Counsel observes that a declaration under PCT Rule 4.17(iv) was filed during the international phase, and urges that said declaration satisfies 35 U.S.C. 371(c)(4). Review of the record reveals that an executed declaration under Rule 4.17(iv), identifying the international application to which it was directed, was filed during the international phase. Inspection of this declaration reveals that it is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b), and 35 U.S.C. 371(c)(4). Accordingly, the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 15 August 2008 is hereby VACATED.

DECISION

The declaration is ACCEPTED, for the reasons described above.

This application is being returned to Technology Center 3723. Its date under 35 U.S.C. 371(c)(1), (2) and (4) remains 04 May 2006.

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